

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2000-0193-T - ORDER NO. 2000-781  
SEPTEMBER 20, 2000

IN RE: Application of Michael A. DeVore DBA ) ORDER GRANTING  
DeVore's Moving & Delivery, Route 1, Box ) CLASS E CERTIFICATE  
37-H, Estill, SC 29918, for a Class E )  
Certificate of Public Convenience and )  
Necessity. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Michael A. DeVore DBA DeVore's Moving & Delivery (DeVore's), Route 1, Box 37-H, Estill, SC 29918 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Beaufort, Jasper, and Hampton Counties,  
South Carolina.

The Commission's Executive Director instructed DeVore's to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests or Petitions to Intervene were filed.

A hearing on the Application was held on September 13, 2000 at 10:30 AM in the offices of the Commission, with the Honorable William Saunders, Chairman, presiding. Michael A. DeVore was present for DeVore's. The Commission Staff was represented by F. David Butler, General Counsel.

Michael A. DeVore testified on behalf of his Application for authority. DeVore testified that he has experience in moving antiques and furniture for stores, and that he wants to move household goods for hire. He also stated that he has made several office moves. DeVore notes that he owns a 15 foot truck, which is insured, and he has no judgments against him. DeVore states that he hires various young people to help him move the goods that he moves. He intends to target apartments or small houses as a mover, if certificated. DeVore pledges that he will obey and comply with all Commission regulations.

With regard to the public convenience and necessity, DeVore testified that he has received a number of calls from persons wanting household goods moved, but he has not been able to accommodate them. DeVore also testified as to the general growth seen in the areas for which he has applied for certification.

We would note that no shipper witnesses were necessary in this case, due to the fact that the Applicant only wished to serve points and places in the three contiguous counties of Beaufort, Jasper, and Hampton Counties. We therefore continue to waive that portion of Regulation 103-133(1) as to the shipper witness requirement.

S.C. Code Ann. Section 58-23-590(C )(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant DeVore's has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. DeVore reveals that DeVore's is fit, willing, and able under the standards contained in Regulation 103-133. Further, Mr. DeVore has shown that the public convenience and necessity requires the service proposed by him.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application, and, therefore, the requested authority to Michael A. DeVore DBA DeVore's Moving & Delivery. We grant DeVore's a Class E Certificate of Public Convenience and Necessity for the movement of household goods between points and places in Beaufort, Jasper, and Hampton Counties. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The application of Michael A. DeVore DBA DeVore's Moving & Delivery for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Beaufort, Jasper, and Hampton Counties, South Carolina.

2. The Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 103-100 through R. 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A

(1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

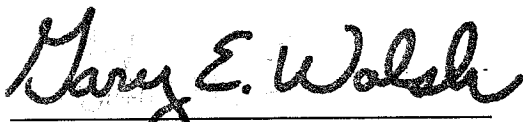
4. Prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)